

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1340**

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**Introduced by Assembly Member Achadjian**

February 22, 2013

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An act to add Sections 4142 and 4143 to the Welfare and Institutions Code, relating to mental health.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1340, as amended, Achadjian. State Hospital Employees Act.

Existing law establishes state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of State Hospitals, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities. Existing law requires each state hospital to develop an incident reporting procedure that can be used to, at a minimum, develop reports of patient assaults on employees and assist the hospital in identifying risks of patient assaults on employees.

This bill, *as of July 1, 2015, and subject to available funding*, would require each state hospital, ~~beginning July 1, 2015~~, to establish and maintain an enhanced treatment unit as part of its ~~facilities~~. ~~The bill facilities and~~ would also require any case of assault by a patient of a state hospital, as specified, to be immediately referred to the local district attorney, and if, after the referral, the patient is found guilty of a misdemeanor or a felony assault, the local district attorney declines to prosecute, or the patient is found incompetent to stand trial or not guilty

by reason of insanity, the bill would require the patient to be placed in the enhanced treatment unit of the hospital until the patient is deemed safe to return to the regular population of the hospital.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act may be known and cited as the State  
2 Hospital Employees Act.

3 SEC. 2. Section 4142 is added to the Welfare and Institutions  
4 Code, to read:

5 4142. Commencing July 1, 2015, *and subject to available*  
6 *funding*, each state hospital shall establish and maintain an  
7 enhanced treatment unit as part of its facilities for the placement  
8 of patients described in Section 4143. The hospital administrator  
9 of each state hospital shall establish procedures to provide an  
10 increased level of security for the enhanced treatment unit.

11 SEC. 3. Section 4143 is added to the Welfare and Institutions  
12 Code, to read:

13 4143. (a) ~~Any~~ *Subject to available funding*, any case of assault  
14 by a patient of a state hospital that causes injury to or illness of,  
15 or has the potential to cause future illness of, a state hospital  
16 employee or another patient of the state hospital rising to the level  
17 of a misdemeanor or felony shall be immediately referred to the  
18 local district attorney.

19 (b) If, after referral to the local district attorney, the patient is  
20 found guilty of misdemeanor or felony assault, the local district  
21 attorney declines prosecution, the patient is found to be  
22 incompetent to stand trial, or the patient is found not guilty by  
23 reason of insanity, the patient shall be placed in the enhanced  
24 treatment unit of the state hospital until the patient is deemed safe  
25 to return to the regular population of the hospital.

26 (c) This section shall become operative on July 1, 2015.